

Rebuilding Rwanda: Women as Entrepreneurs of Peace

by

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The women of Rwanda have shown, for the first time in history, what can happen when women, and the full measure of their talents, are included in peace building.

— *Ambassador Swanee Hunt*

INTRODUCTION

In 1994, Rwanda experienced an unprecedented human rights atrocity. In just one hundred days in the spring and early summer of 1994, over 800,000 Rwandans were killed by their fellow citizens.¹ The dead totaled nearly eleven percent of the country's population.² As detailed below, what was horrifically unique about the Rwandan genocide was the number of citizen killers. These individuals used rudimentary means to slaughter their neighbors and fellow community members. Families, friendships, communities, and an entire country, were torn apart within the course of three months. The task of rebuilding community trust in the wake of the genocide was beyond daunting.

In this Article, we demonstrate how Rwandan women have had an outsized impact on economic development and the promotion of peace post-genocide. We first detail the humanitarian crisis of the Rwandan genocide and the international efforts at establishing the rule of law in the aftermath of such a tragedy. We then describe the novel use of an indigenous forum for conflict resolution unique to Rwanda, and the impact that this type of judicial experiment had more broadly in society. In particular, this Article addresses how the "judicial entrepreneurship" of gacaca likely impacted female-empowerment and the rise of female entrepreneurship within Rwanda. This we argue, is in part due to the consequences of the genocide. The near-absence of men brought on by their death, incarceration, and exile required women to step in roles they had traditionally been prohibited from entering.

As result of Rwanda's judicial entrepreneurship, women took the lead in rebuilding not only a judiciary to adjudicate the horrors of the genocide, but a sense of community among citizens. With women responding to their newfound freedom to speak and participate, a wave of female business entrepreneurs began to rise. This cause and effect we argue plays an essential role in healing prior divisions and supporting sustainable peace. The Article concludes by making a unique contribution to our understanding of peace, transitional justice, and entrepreneurship by identifying key aspects of the Rwandan form of collective decision-making.

I. HISTORY OF VIOLENCE IN RWANDA

In order to appreciate the importance of entrepreneurship in nation- and peace-building, it is important to understand the relevant culture and history of a region. Rwanda has a particularly

¹ Aneta Wierzyńska, *Consolidating Democracy Through Transitional Justice: Rwanda's Gacaca Courts*, 79 N.Y.U. L. REV. 1934 (2004).

² Mark A. Drumbl, *Punishment, Postgenocide: From Guilt to Shame to Civis in Rwanda*, 75 N.Y.U. L. REV. 1221, 1223 (2000).

unique history that informs the relationships among its citizens. This Section details the history of ethnic conflict prior to the genocide, as well as the events of the genocide of 1994 in Rwanda.

A. Ethnic Violence Pre-Genocide

Rwanda is a small, densely populated, and landlocked country in Central Africa.³ Rwanda moved to the center of the world stage in 1994 because of the horrific level of violence that occurred during the genocide. The events of 1994, however, did not mark the first outbreak of ethnic violence among Rwandans. Rather, acute ethnic tension preceded the 1994 genocide and dates at least back to the colonial period in the early 1900s. From 1919 until 1962, Rwanda was a Belgium colony, acquired from Germany after World War I.⁴ Despite the fact that there were many commonalities among the people of Rwanda, including language and religion; the Belgium colonialists imposed clear racial boundaries between the country's two ethnic groups, the Hutu and Tutsis.⁵

The Belgian colonialists institutionalized the differences between the ethnicities, even establishing racial identity cards.⁶ In the eyes of the colonialists, the Tutsi were the pastoralist cattle-owners⁷ who held power over the Hutu cultivators.⁸ The Belgian colonialists viewed the Tutsi as "racially superior" because of their similarities to tribes from Ethiopia,⁹ and installed the Tutsi in power.¹⁰ This meant removing any Hutu from positions of power, and prohibiting them from participating in higher education.¹¹ Thus, the Tutsi were anointed by the Belgian colonialists as the ruling class, and remained essentially in power until 1959.¹²

³ Central Intelligence Agency, *Rwanda*, The World Factbook, https://www.cia.gov/library/publications/the-world-factbook/geos/print_rw.html (last visited Feb. 13, 2018).

⁴ See, e.g., JEAN-PIERRE CHRETIEN, *THE GREAT LAKES OF AFRICA: TWO THOUSAND YEARS OF HISTORY* 281-88 (Scott Straus trans. 2003). Prior to colonial rule, Rwanda had a monarchy. However, when the Germans colonized in the late 19th century, they instilled a colonial policy of indirect rule, allowing the Rwandan monarchy to transition slowly. Prunier, *infra* n. XX at 25.

⁵ See Lars Waldorf, *Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice*, 79 TEMP. L. REV. 1, 26 (2006). Waldorf points out that both Hutu and Tutsi speak the same language, share the same culture, practice the same religion and live amongst each other. As such, Hutu and Tutsi alike has somewhat "fluid identities based largely on socio-political status and economic activity." *Id.*

⁶ *Id.*; see also Drumbl, *infra* n. XX at 1244 ("Ultimately, it was this *construction* of ethnicity that lay at the root of the violence.") (emphasis added).

⁷ The term "Tutsi" originally meant someone rich in cattle and referred simply to an elite person, rather than to a particular ethnicity. Similarly, "Hutu" originally meant subordinate or follower. Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* 32 (Human Rights Watch 1999).

⁸ *Id.*

⁹ See Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (2001).

¹⁰ See Gerard Prunier, *The Rwanda Crisis: History of a Genocide* 5 (1998). Prunier writes that the Tutsi were extremely tall and thin, often displayed a sharp angular face, and seemed vastly different from the Hutu who resembled the neighboring Uganda and Tanzanian natives. However, the Tutsi and Hutu often intermarried so the physical differences became less stark than the early colonialists described.

¹¹ Des Forges, *supra* n. XX at 35. Des Forges notes that the Belgian colonialists also removed women from either ethnicity from positions of power. She also points out that the only Hutu who were excused from the "laboring masses" were those engaged in religious study. *Id.*

¹² Waldorf, *supra* n. XX at 27; see also Prunier, *supra* n. XX at 27 (noting that toward the end of Belgian rule, in 1959, 43 out of 55 chiefs were Tutsi, and 549 out of 559 subchiefs were Tutsi, replacing many Hutu chiefs and subchiefs). Prunier also explains that prior to colonial rule, there were typically three chiefs on each hill, one of whom was the

In the 1950s, colonial rule across the globe faded. The United Nations began pressuring the colonial administrators in Rwanda to allow Hutu to participate in the administration and in education.¹³ The Rwandan ruler, Mutara III Rudahigwa, who had been the chief administrator since 1931 died suddenly in 1959, leaving his younger half-brother, Kigeli V Ndahindurwa, in charge.¹⁴ The new leadership was more conservative Tutsi and did not prioritize any Hutu-Tutsi political alliances. This shift sparked violence among Tutsi and Hutu, and the Belgian administration had to step in to restore order.¹⁵ The violence of 1959 sparked the beginning of what was deemed the "peasant uprising" of the Hutu. In 1960 and 1961, the Hutu party won the first elections and voted to end all ties with the Rwanda monarchy, thereby establishing a republic in January 1961, with Belgium colonialists officially leaving the country in 1962.¹⁶

The "peasant uprising" of 1962 resulted in many Tutsi leaving Rwanda or being killed.¹⁷ Many of the Tutsi refugees attacked the Hutu government periodically, and ethnic violence continued. In 1973, Hutu General Juvénal Habyarimana took over the country in a bloodless coup by the military, in an effort to restore order and national unity.¹⁸ Habyarimana made Rwanda a one-party state and all Rwandans were automatic members of the party.

In 1990, the Rwandan Patriotic Front ("RPF"), a rebel group comprised of Rwandan Tutsis living in Uganda, attacked the Rwandan government and sparked a four-year civil war. Then-President Habyarimana attempted, with Hutu extremists, to solidify the Hutu population under the extreme ideological principal of Hutu Power.¹⁹ Operating under this principal, the government provoked Tutsi killings in 1991, 1992, and 1993.²⁰

B. The Genocide

On April 6, 1994, a plane carrying President Habyarimana and members of his staff, as well as the President of Burundi, was shot down over Kigali, triggering the 1994 genocide.²¹ Hutu extremists quickly took over the government and military, and began the systemic killing spree that lasted until July 1994.²² Fueled by government propaganda promulgating racial stereotypes of Tutsis, the citizens turned on each other in acts of inhumane brutality, resulting in the death of

Chief of the Land and was often a Hutu. In 1929, the three chiefs were merged into a single position, which was almost always occupied by a Tutsi. *Id.*

¹³ Des Forges, *supra* n. XX at 38. *See also* Prunier, *supra* n. XX at 33. The number of Tutsi students to Hutu students in the Rwanda College in 1945 was 46 to 3. In 1954, it was 63 to 19. In 1959, however, the number was 279 to 143.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Des Forges at 39.

¹⁷ *Id.* at 40. "Hutu political elites whipped up violence against Tutsi minority in four distinct periods (1959-64, 73, 90-93, and 1994)." Waldorf, *supra* n. XX at 30.

¹⁸ *Id.* at 41.

¹⁹ The Hutu Power bloc used radical propaganda to dehumanize the Tutsi. The Kinyarwanda word "inyenzi" was invoked in reference to Tutsi and literally translates to "cockroach." The term was first used in the 1960s to describe the Tutsi invading after the peasant uprising, and was revived in the 1990s to refer to members of the RPF and the Tutsi in general. Des Forges, *supra* n. XX at 51.

²⁰ Waldorf, *supra* n. XX at 30.

²¹ Maya Goldstein-Bolocan, *Rwandan Gacaca: An Experiment in Transitional Justice*, 2004 J. DISP. RESOL. 355, 368 (2005).

²² Drumbl, *infra* n. XX at 1223.

over 800,000 people, mostly Tutsi.²³ The wide-scale participation of citizens made the Rwandan genocide depressingly unique, and created a deep fissure within communities and among neighbors.

Communities were devastated because not only were neighbors turning against neighbors, but the violence was intensely "personal" in that it often involved the use of machetes (*panga*), or large clubs studded with nails (*masu*).²⁴ Despite this time-consuming and emotional method of killing, the death rate in Rwanda rose at a rate nearly "three times the rate of the Jewish dead during the Holocaust."²⁵ The reason for this, according to Prof. Mark A. Drumbl, was simple: "So many people were killed principally because there were so many killers."²⁶

In July 1994, the RPF managed to wrest control from the Hutu regime and regain control of Kigali, the capital. Paul Kagame led the RPF charge in 1994 and has remained in a position of power as a member of the RPF government ever since.²⁷ Under the RPF-led government, eventually headed by Kagame in 2003,²⁸ the government has adopted a unification policy that refers to Rwandans as "One Rwanda" in an attempt to eliminate distinctions between Hutu and Tutsi.²⁹

Of the many documentaries and first-hand accounts of the genocide, what is clear is that no one living in Rwanda was unscathed by the violence that took place in 1994.³⁰ The children of the genocide are now adults, and reckon with immeasurable mental and physical scars. Many have parents who remain in jail. The critical role of community building remains a priority even now, despite the fact that Rwanda has experienced a peaceful transition since 1994.

²³ *Id.* at 1221. Drumbl undertakes an extensive literature review in order to test the veracity of the number of deaths resulting from the genocide. He notes that 800,000 killed is the most often-reported number, citing Letter from Kofi A. Annan, Secretary-General, United Nations, to the President of the United Nations During the 1994 Genocide of Rwanda 3, U.N. Doc S.1999/1257 (Dec. 15, 1999), yet the numbers vary somewhat. See Philip Gourevitch, *We Wish To Inform You that Tomorrow We Will Be Killed With Our Families: Stories from Rwanda* (1998) (noting that "Rwandans often speak of a million deaths, and they may be right."); Des Forges, *supra* n. XX at 16 (assessing the death number as "at least a half-million").

²⁴ Drumbl, *supra* n. XX at 1245-6 .

²⁵ *Id.*

²⁶ *Id.*; see also Gourevitch, *supra* n. XX at 307 (stating that one of the general assumptions among Hutu was that they were to "kill or be killed.")

²⁷ Kagame was the head of the RPF when it was able to recapture Rwanda and put an end to the genocide. After that point, he served as Vice President and Minister of Defense from 1994 until 2000, under President Pasteur Bizimungu. However, many Rwandans assumed that Kagame was the *de facto* leader of the country. See, e.g., Prunier, *supra* n. XX at 369. Kagame was selected by government ministers to lead the country when Bizimungu resigned in 2000. In 2003, Kagame was elected via national election after the passage of the Rwandan constitution. See generally COLIN M. WAUGH, *PAUL KAGAME AND RWANDA: POWER, GENOCIDE AND THE RWANDAN PATRIOTIC FRONT* (2004); see also LT. GEN. ROMEO DALLAIRE, *SHAKE HANDS WITH THE DEVIL: THE FAILURE OF HUMANITY IN RWANDA* (2005).

²⁸ See generally Waugh, *supra* n. XX.

²⁹ *Id.*

³⁰ One of the most impressive documentaries about Rwanda and its potential for success is found in the documentary *Sweet Dreams*, which provides a sweeping view into the lives of women in post-genocide Rwanda as they navigate their roles in both business and culture. The women depicted have already broken broken cultural barriers by forming the first Rwandan, all-women drum troupe, comprised of women from all ethnicities. The members of the drum troupe then embark on an entrepreneurial experiment: to open the first ice cream shop in Rwanda. The film follows the story of the surprisingly steep learning curve one must master in order to create the perfect twist of soft service ice cream. But the twists (or lack thereof) represent a poignant metaphor for the struggle and determination of female entrepreneurs in Rwanda. It is a story of women breaking norms, taking risks previously unimaginable, and enduring countless setbacks and obstacles.

II. POST-GENOCIDE JUSTICE AND COMMUNITY BUILDING

In the wake of the genocide, less than fifty attorneys and a handful of judges remained in the country.³¹ The international community recognized the need to establish an institution that would promote justice and peace within Rwanda. In November 1994, merely a few months after the termination of the genocide, the United Nations created the International Criminal Tribunal for Rwanda ("ICTR"), aimed at prosecuting perpetrators of war crimes during the genocide. Yet to many Rwandans, the ICTR was woefully inadequate. The glaring inadequacies of the ICTR to promote local peace and justice resulted in the newfound use of a local justice forum among communities in Rwanda, called *gacaca*. This Section will detail the creation of the ICTR, the failings of the international tribunal, and the re-emergence of the local system of justice, *gacaca*, among Rwandans to restore a sense of trust within communities.

C. Post-Genocide Institutional Justice: ICTR

1. Establishment of ICTR

On November 8, 1994, the UN Security Council passed Security Council Resolution 955 under Chapter VII of the UN Charter, thereby creating the ICTR.³² Resolution 955 explicitly stated that the ICTR was created for the "sole purpose of prosecuting persons responsible for the genocide and other serious violations of international humanitarian law."³³ The ICTR was established in order to send a message that the international community would not tolerate such atrocious human rights violations,³⁴ and also to "contribute to the process of national reconciliation and to the restoration and maintenance of peace."³⁵

Much has been written about the international judicial response to mass atrocity, particularly since the novel Nuremberg Trials after World War II.³⁶ The ICTR was a similar international criminal tribunal, but was different in that it was considered an international-national,

³¹ Erin Daly, *Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda*, 34 N.Y.U J. INT'L. L. & POL. 355, 368 (2002); see also Lori A. Nessel, *Rape and Recovery in Rwanda: The Viability of Local Justice Initiatives and the Availability of Surrogate State Protection for Women that Flee*, 15 MICH. ST. J. INT'L. L. 101, 102 (2007) (stating that only nineteen lawyers remained after the genocide) (citing *Struggling to Survive: Barriers to Justice for Rape Victims in Rwanda*, 16 Human Rights Watch, No. 10, at 13 (Sept. 2004)).

³² S.C. Res. 955, P1, U.N. Doc. S/RES/955 (Nov. 8, 1994).

³³ *Id.*

³⁴ See, e.g., Jason Strain & Elizabeth Keyes, *Accountability in the Aftermath of Rwanda's Genocide*, in *Accountability for Atrocities: National and International Responses* 87, 98-99 (Stromseth ed., 2003).

³⁵ S.C. Res. 955, *supra* n. XX at 1.

³⁶ See, e.g., Drumb, *supra* n. XX at 1226-8; Goldstein-Bolocan, *supra* n. XX at 357. Underpinning much of this literature is an ongoing theoretical and moral debate about the use of punishment against what is often deemed the Kantian "radical evil." See, e.g., Carlos Santiago Nino, *Radial Evil on Trial* (1996); Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (1998); Antonio Cassese, *On the Current Trends Towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law*, 9 EUR. J. INT'L. L. 2 (1998).

or *hybrid*, tribunal. The International Criminal Tribunal for Yugoslavia (“ICTY”) was established in 1993 and often considered the “sister” tribunal to the ICTR as the other hybrid tribunal.³⁷

The Rwandan government passed the Organic Law of 1996 (“Organic Law”) in order to organize perpetrators into various categories.³⁸ Given that the ICTR was a hybrid tribunal, the perpetrators tried by the ICTR were Rwandans that fell under Category 1 offenders, as determined by the Organic Law. The Organic Law defined “genocide” and “crimes against humanity” in accordance with the international treaties in which Rwanda was a participant.³⁹

The Organic Law organized individuals into four categories. Category 1 suspects were those who: a) planned, organized, incited, supervised acts during the genocide; b) were leaders (national, local, religious, etc.) that committed or encouraged others to commit crimes of genocide; c) were “well-known murderers” as defined by the zeal in his or her killings or “excessive wickedness” in which the killings were carried out; d) were any person committing acts of torture, even if it did not result in death; e) committed rape or acts of sexual torture; f) committed dehumanizing acts on a dead body.⁴⁰ Category 2 crimes included those whose “acts of criminal participation place them among the perpetrators, conspirators or accomplices of intentional homicide or of serious assault against the person, causing death.”⁴¹ Category 3 comprised of persons committing “serious assaults” and Category 4 consisted of those committed offenses against property.⁴²

The ICTR had jurisdiction over only criminals whose acts constituted Category 1 crimes. Jurisdiction over Category 1 crimes was split between the ICTR and national courts, with an “unofficial division” that the ICTR was to hear the cases of “suspects considered among the most important planners and perpetrators of the genocide.”⁴³ Crimes of lesser categories were to be adjudicated by Rwandan courts.

The ICTR was the first international criminal court to issue a verdict based upon the charge related to genocide.⁴⁴ In total, 93 individuals were indicted by the ICTR.⁴⁵ Of those, 62 received sentences; 14 were acquitted; 10 were referred to national jurisdictions for trial; 3 remained fugitives; 2 died prior to judgment; and 2 indictments were withdrawn prior to trial.⁴⁶ The Tribunal was officially closed on December 31, 2015, in part due to the establishment of the International Criminal Court.⁴⁷

³⁷ See Gourevitch, *supra* n. XX at 252 (noting that at least one Rwandan government official claimed that the U.N. simply replaced every instance of “Yugoslavia” with “Rwanda” in creating the ICTR).

³⁸ Organic Law on the Organization of Prosecutions for Offenses Constituting the Crime of Genocide or Crimes Against Humanity Committed Since October 1, 1990, No. 08/96 of August 30, 1996 (Rwanda), in Official Gazette of the Republic of Rwanda, Sept. 1, 1996, at 16.

³⁹ These were The 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Convention on the Protection of Civilian Persons in the Time of War, and the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* Eventually, Categories 2 and 3 were combined under the modifications to the Gacaca Law of 2001, detailed in Section II.B.

⁴³ Clark, *supra* n. XX at 791 (citing Philip Gourevitch, *Justice in Exile* at A15, N.Y.T (June 24, 1996)).

⁴⁴ Goldstein-Bolocan, *supra* n. XX at 370.

⁴⁵ United Nations Mechanism for International Criminal Tribunals, *The ICTR in Brief*, available at <http://unictr.unmict.org/en/tribunal> (last visited Feb. 26, 2018).

⁴⁶ *Id.*

⁴⁷ Rome Statute of the International Criminal Court, A.CONF.183/9 of 17 July 1998, entered into force 1 July 2002.

2. ICTR and Women's Rights

As noted above in the classifications of crimes constituting Category 1, rape was included among the "most serious" of crimes. This was a major victory for advocates of women's rights, as the ICTR was the first international war crimes tribunal to consider rape an act that was considered a Category 1 genocide crime.⁴⁸ The categorization was also important because of the rampant use of rape as a tool of the genocide. It was estimated that as many as 250,000 women were raped during the genocide.⁴⁹ This is significant because, as detailed in Section III, women made up nearly 70 percent of the population after the genocide, and the vast majority of survivors had to struggle not only with the psychological pain of living through the genocide, but also the pain of experiencing horrific sexual violence.⁵⁰

3. Rwandan Opposition to the ICTR

Although Rwanda initially requested the establishment of an international tribunal,⁵¹ it quickly withdrew its support for the creation of the ICTR. By sheer luck, Rwanda had rotated onto the Security Council as a non-permanent member during the deliberations surrounding the creation of the ICTR.⁵² Representing a major stain against the Tribunal, Rwanda was the sole dissenting vote in the creation of the ICTR.⁵³

The Rwandan delegation to the UN opposed the creation of the ICTR for three major reasons. First, Rwanda opposed the lack of the death penalty for the worst offenders, who were to be adjudicated in the Tribunal, when lower-level offenders would be subject to the death penalty under Rwandan law. During deliberations at the UN, the Rwandan representative was emphatic that the lack of capital punishment for the worst offenders -- the ones who planned and organized the genocide -- was "not conducive to national reconciliation in Rwanda."⁵⁴ Because it was assumed that the *most* culpable offenders were to be tried at the ICTR, this meant that seemingly "less-culpable" but still Category 1 offenders, were to be tried by the national Rwandan courts. A conviction in the Rwandan courts of a Category 1 crime carried a capital sentence, whereas the ICTR did not have the death penalty as an option for sentencing. This greatly troubled Rwandans seeking retributive justice after the genocide.

⁴⁸ See Stephanie K. Wood, *A Woman Scorned for the Least Condemned War Crime: Precedent and Problems With Prosecuting Rape As a Serious War Crime in the International Criminal Tribunal for Rwanda*, 13 COLUM. J. GENDER & L. 274 (2004); see also Brittan A. Olwine, *One Step Forward, But Two Steps Back: Why Gacaca In Rwanda is Jeopardizing the Good Effect of Akayesu on Women's Rights*, 17 WM. & MARY J. WOMEN & L. 639, 640 (2011) (noting that genocidal rape was first recognized in humanitarian law by the ICTR in 1998 in the prosecution of Jean Paul Akayesu). In the 2008 amendment to the Gacaca Law, 6608 cases of rape or sexual torture were transferred from national courts to gacaca.

⁴⁹ Emily Amick, *Trying International Crimes on Local Lawns: The Adjudication of Genocide Sexual Violence In Rwanda's Gacaca Courts*, 20 COLUM. J. GENDER & L. 1, 3 (2011).

⁵⁰ See *infra* notes XX-XX and accompanying text.

⁵¹ VICTOR PESKIN, INTERNATIONAL JUSTICE IN RWANDA AND THE BALKANS: VIRTUAL TRIALS AND THE STRUGGLE FOR STATE COOPERATION 158 (2008).

⁵² U.N. Doc S/PV.3453 (Nov. 8, 1994); see Virginia Morris & Michael P. Scharf, 2 *The International Criminal Tribunal for Rwanda* 298, 308 (1998).

⁵³ *Id.* at 299.

⁵⁴ *Id.*

Second, Rwanda opposed the temporal and geographical jurisdiction of the ICTR being limited to acts occurring within Rwanda in the 1994 calendar year, thereby excluding from jurisdiction any genocidal planning efforts occurring outside of Rwanda, or prior to 1994.⁵⁵ In addition, with the ICTR's temporal jurisdiction reaching into *December* of 1994, the ICTR had jurisdiction over post-genocide killings of Hutu genocidaires at the hands of the RPF soldiers.⁵⁶ Prosecuting RPF soldiers was in line with international humanitarian goals, but was an affront to the efforts of Rwandans to move forward under the new regime headed by those aligned with the RPF and Kagame.

Finally, Rwanda opposed the tribunal because it was sited outside of Rwanda.⁵⁷ This was a major obstacle toward a sense of justice within the Rwandan borders. Given that the genocide was so personal to so many --- neighbors were killing neighbors -- justice was demanded both at home, in a literal sense, and on personal and community levels, rather than simply a national level. In other words, the ICTR did not represent local justice, though it may be argued that it was never intended to do so. The ICTR was an international response, and represented the efforts and interests of the international community. It was a historic achievement in many ways, but fell short of instilling a sense of local justice among Rwandans.

D. Gacaca

Where the ICTR fell short, a local alternative emerged to fill the gap in the local sense of justice after the genocide. Rwanda had an established justice system and courts but many of the buildings were destroyed and those involved in the system killed during the genocide.⁵⁸ As such, Rwanda was forced to recreate its justice system after the genocide.⁵⁹ In addition to creating the national judicial system that was quickly overrun with genocidaire suspects, Rwandans had to create a way to live amongst each other again, in community. Because the nascent judicial system was slow to process so many involved in the genocide, Rwandans turned to a traditional form of communal conflict resolution, in the form of gacaca.

Gacaca is a Kinyarwanda⁶⁰ word meaning "lawn" or "grass." It represents a gathering of members of the community on a lawn or grassy square in the center of town. Its purpose is to handle conflict among citizens. It has a long history within Rwanda, and an elevated status after the genocide, and this Section analyzes these changes.

1. Pre-genocide use of Gacaca

Although there is not much written about gacaca before Belgian rule in 1919, there is evidence of gacaca existing in the early 20th century as an informal method of conflict resolution among Rwandans.⁶¹ The gacaca hearings at that time typically involved disputes over livestock or

⁵⁵ Irene C. Lu, *Curtain Call at Closing: The Multi-Dimensional Legacy of the International Criminal Tribunal for Rwanda*, 34 U. Penn. J. Int'l L. 859 (2013).

⁵⁶ Peskin, *supra* n. XX at 162.

⁵⁷ Irene C. Lu, *Curtain Call at Closing: The Multi-Dimensional Legacy of the International Criminal Tribunal for Rwanda*, 34 U. Penn. J. Int'l L. 859 (2013).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Kinyarwanda is the local Rwandan language.

⁶¹ Filip Reyntjens, *Le Justice ou la Justice du Gazon au Rwanda*, *Politique Africaine*, Dec. 1990 at 32.

property.⁶² In other words, gacaca was an indigenous judicial forum used to resolve minor disputes within rural communities.⁶³ Male heads of household participated and women were excluded entirely from the process.⁶⁴ The aim of gacaca was to engender reconciliation among neighbors rather than retribution or punishment, a characteristic that became very important and notable when gacaca was used for more complex controversies later.⁶⁵

Gacaca was gradually used to handle more complex issues within communities and its importance within Rwandan society increased.⁶⁶ In 1943, it was officially recognized by the Belgian administration as a legitimate judicial system that operated concurrent with the national judicial system.⁶⁷ At that time, gacaca judges, typically Tutsi, were politically appointed.⁶⁸ This meant that the previous iteration of gacaca, which was very informal and consisted of male elders presiding over conflicts, had given way to a slightly more formal concept whereby elected officials could call parties to a gacaca hearing.⁶⁹ Community participation was encouraged, but was still limited to men.⁷⁰

In general, as compared to the national courts, gacaca pre-genocide remained a more informal, local-level of conflict resolution aimed at restoring individuals and integrating them into the (often, rural) community. This changed somewhat after the genocide, as detailed below.

2. Post-genocide use of Gacaca

In the months after the genocide, there were approximately 125,000 genocide suspects arrested and held in jails meant to hold only 15,000 inmates.⁷¹ The cost of housing 120,000 inmates ran up to US\$20 million per year.⁷² Rwanda received international aid to defray those costs, but it was clear that this cost was unsustainable, and that Rwanda had to establish a method

⁶² See Goldstein-Bolocan, *supra* n. XX at 377. While most disputes were civil in nature, as opposed to criminal, there were some instances wherein a minor criminal offense would be handled via gacaca, with the result being some sort of civil settlement rather than a criminal sanction.

⁶³ See Goldstein-Bolocan, *supra* n. XX at 376.

⁶⁴ *Id.* Unless a woman was a party to the conflict, there was no female participation allowed.

⁶⁵ *Id.* Goldstein-Bolocan emphasizes that "[g]acaca embodies restorative justice principles because it does not seek to achieve justice by punishing the perpetrator, but to restore social order by finding communal, compromised solutions, and by reintegrating the offender within the community." See also Clark, *infra* n. XX at 778-9 (noting that despite the goals of restorative justice, there often were cases wherein retribution was demanded, often "with the process culminating in sharing beer, wine or food --usually provided by the guilty party -- to symbolize reconciliation of the parties.")

⁶⁶ See Phil Clark, *Hybridity, Holism, and 'Traditional' Justice: The Case of The Gacaca Courts in Post-Genocide Rwanda*, 39 *Geo. Wash. Int'l. L. Rev.* 765, 779 (citing Charles Ntampaka, *Le Gacaca: Une Jurisdiction Penale Populaire* (2000)).

⁶⁷ *Id.* Clark points out that gacaca and the national court system began to develop different types of plaintiffs. Citing Reyntjens, Clark notes that rural claimants typically sought out gacaca to handle disputes and conflicts, whereas more urban dwellers used the national courts, often because the cases were more complex. Reyntjens cites that from 1986-1987, in the more rural area of Butare, almost 93 percent of the cases were heard by gacaca courts rather than the more formal national courts. Reyntjens, *supra* n. XX at 38.

⁶⁸ Clark at 779.

⁶⁹ *Id.* at 780.

⁷⁰ *Id.*

⁷¹ Mark A. Drumbl, *Punishment, Postgenocide: From Guilt to Shame to Civis in Rwanda*, 75 *N.Y.U. L. Rev.* 1221, 1223 (2000).

⁷² See Clark, *supra* n. XX at 776.

to process the inmates within the country.⁷³ After the Organic Law passed in 1996, suspects were organized according to category of crime.⁷⁴ Category 1 criminals were referred to the ICTR, as well as the national courts.⁷⁵ Rwanda had to figure out how to process the majority of criminals, ranging from Category 1 to Category 4.

According to then-Vice President Paul Kagame, the gacaca system represented "the only way forward."⁷⁶ Using gacaca as an option for handling genocide suspects was not immediately seized upon by the Rwandan government.⁷⁷ Instead, the Rwandan government first focused on setting up a robust national court system with help from international lawyers and non-governmental organizations.⁷⁸ However, many provincial prefects in the Rwandan government continually raised the idea of using gacaca.⁷⁹

In February 1999, after an intensive study of gacaca and debate that include the UN Office of the High Commissioner for Human Rights, the UN Special Rapporteur declared that gacaca would be useful for "purposes of testifying in connection with reconciliation" but that it would not be "competent to hear crimes against humanity."⁸⁰ Nevertheless, despite the limitations of gacaca that the UN described, then-President Pasteur Bizimungu ordered the National Unity and Reconciliation Commission ("NURC") to undertake a national analysis of popular support for the use of gacaca.⁸¹ The result of the NURC study was the proposal and creation of the Gacaca Law.⁸²

The Gacaca Law gave jurisdiction to gacaca courts over Category 2-4 offenses, though the offense Category was changed after 2004 to combine Categories 2 and 3.⁸³ This meant that gacaca courts heard crimes of murder, assault and property offenses. Under the Gacaca Law and its

⁷³ Wierzyńska, *supra* n. XX at 1955.

⁷⁴ Organic Law on the Organization of Prosecutions for Offenses Constituting the Crime of Genocide or Crimes Against Humanity Committed Since October 1, 1990, No. 08/96 of August 30, 1996 (Rwanda), in Official Gazette of the Republic of Rwanda, Sept. 1, 1996, at 16.

⁷⁵ See Section II.A., *supra*, and accompanying notes.

⁷⁶ Goldstein-Bolocan, *Rwandan Gacaca: An Experiment in Transitional Justice*, 2004 J. Disp. Resol. 355 (2005).

⁷⁷ Clark at 781. Clark details that at an international conference in Kigali in 1995, the government debated having an amnesty program for genocide suspects, as well as perhaps using gacaca. The amnesty program was rejected out of fear that genocide victims and survivors may exact vigilante justice. The government also rejected using gacaca at that time because the use of gacaca would go against Rwandan law requiring formal process for serious crimes including murder. *Id.* Also considered was a truth and reconciliation model used in South Africa. This was also rejected for lack of appropriate punishment for those involved in the genocide.

⁷⁸ *Id.*

⁷⁹ Clark, *supra* n. XX at 782. According to Clark, the "most notable among the [prefects] was Protais Musoni, then Prefect of Kibungo... who was described as the 'father of gacaca.'"

⁸⁰ U.N. Econ. & Soc. Council, Comm'n on Human Rights, Report on the Situation of Human Rights in Rwanda, P51, U.N. Doc E/CN.4/1999/33 (Feb. 8, 1999).

⁸¹ Nat'l Unity and Reconciliation Comm'n, Nation-wide Grassroots Consultations Report: Unity and Reconciliation Initiatives in Rwanda 3 (2001).

⁸² Organic Law Setting Up Gacaca Jurisdictions and Organizing Prosecutions for Offences Constituting the Crime of Genocide or Crimes Against Humanity Committed Between 1 October 1993 and 31 December 1994, No. 40/2000 of Jan. 30, 2000 (Rwanda), in Official Gazette of Rwanda, Oct. 2000, art. 13. See also Clark *supra* n. XX at 783. Clark explains that the Gacaca Law has been modified a number of times since its original passage. The most important modification occurred in 2003, when the law combined Categories 2 and 3 into a single Category 2 crime. Organic Law Establishing the Organization, Competence and Functioning of Gacaca Courts Charged with Prosecuting and Trying the Perpetrators of the Crime of Genocide and other Crimes against Humanity, Committed Between 1 October 1993 and 31 December 1994, No. 16/2004 of June 19, 2004 (Rwanda), in Official Gazette of the Republic of Rwanda, June 19, 2004.

⁸³ *Id.*

subsequent modifications, gacaca morphed into a more formal system, inclusive of sentencing guidelines.⁸⁴ Sentences usually included both prison time and community service.⁸⁵ Gacaca judges were able to summon witnesses, issue search warrants and impose punishments according to the sentencing guidelines. One interesting feature of gacaca sentences was that suspects could reduce their sentences if they admitted guilt.⁸⁶ Gacaca jurisdictions were separated into cellules and could be appealed to a larger appellate level.

On balance, however, Gacaca, while modified greatly in its formalized version, retained many of its important defining characteristics. As Clark explains, the "spirit of gacaca emphasizes that the community should play a central role in all aspects of the process and that the objectives of gacaca should not be pursued through the agency of national or local elites but through communal engagement in a public setting."⁸⁷ Therefore, the nine⁸⁸ judges or "inyangamugayo" who make up each court are not trained lawyers or judges. They are respected individuals elected by the community.⁸⁹

Furthermore, Gacaca remains a process that focuses on both individual and community rehabilitation and restoration. For example, entire villages attend gacaca trials. After the genocide, community involvement included women, as highlighted in Section III. This public process helps "bring the facts of the genocide into the open" thereby offering victims the closure necessary to recover.⁹⁰ "The reparative function of *gacaca*'s 'truth-telling' should not be underestimated."⁹¹ As Ambassador Swanee Hunt summarized in 2014, "By 2012, nearly two million people had been before these courts, often assembled under a shade tree; that transitional justice process has been key to stabilizing Rwandan society."⁹² The unique approach of gacaca to reconciliation reflects a common thread among Rwandan problem-solving and decision-making, as we will examine in more detail in Section IV.

III. WOMEN AS ENTREPRENEURS OF PEACE

"Necessity is the mother of all invention" is a well-worn proverb that accurately reflects the Rwandan milieu. From the macro-perspective, peace in Rwanda "is not a matter of choice but of survival."⁹³ At the micro level, the Rwandan people have demonstrated their creativity amidst

⁸⁴ *Id.*; see also Clark, *supra* n. XX at 794.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.* at 800.

⁸⁸ Sarel Kandell Kromer, *The Rwandan Reconciliation*, WASH. POST (Oct. 16, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/15/AR2005101500108.html>.

⁸⁹ Clark *supra* note XX, at 785.

⁹⁰ Cori Wielenga & Geoff Harris, *Building Peace and Security after Genocide: The Contribution of the Gacaca Courts of Rwanda* 20 AFRICAN SECURITY REV. 15, 23 (2011). See also Charlotte Clapham, *Gacaca: A Successful Experiment in Restorative Justice?*, E-INTERNATIONAL RELATIONS STUDENTS (July 30, 2012), <http://www.e-ir.info/2012/07/30/gacaca-a-successful-experiment-in-restorative-justice-2/>.

⁹¹ Charlotte Clapham, *Gacaca: A Successful Experiment in Restorative Justice?*, E-INTERNATIONAL RELATIONS STUDENTS (July 30, 2012), <http://www.e-ir.info/2012/07/30/gacaca-a-successful-experiment-in-restorative-justice-2/>.

⁹² Swanee Hunt, *The Rise of Rwanda's Women*, FOREIGN AFFAIRS (June 2014), <https://www.foreignaffairs.com/articles/rwanda/2014-03-30/rise-rwandas-women>.

⁹³ JOHN MUTAMBA & JEANNE IZABILIZA, REPUBLIC OF RWANDA NATIONAL UNITY AND RECONCILIATION COMMISSION, *THE ROLE OF WOMEN IN RECONCILIATION AND PEACE BUILDING IN RWANDA: TEN YEARS AFTER GENOCIDE 1994-2004*, 12 (2005), <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan031033.pdf>.

devastating constraints, as exemplified by gacaca courts and the unique entrepreneurial endeavors of Rwandan women. Many insights can be gleaned from the resourcefulness of the Rwandan people. The following Section details how, by necessity, women in particular challenged traditional gender roles and improved their legal status. This Section also explores how a more equitable legal regime can contribute to economic development, which in turn can have profound impacts on peace building.

E. Making Way for Female Entrepreneurs

Prior to the genocide, Rwandan law greatly restricted the legal and economic agency of women.⁹⁴ Traditionally, women's roles were limited to those of wife and mother,⁹⁵ and in essence, women had the legal status of minors.⁹⁶ Women were not allowed to work,⁹⁷ access credit,⁹⁸ or enter into contracts without their husband's permission.⁹⁹ They were not allowed assert their legal rights, if any, in court.¹⁰⁰ And, they were silenced when it came to political participation. Furthermore, during the genocide, "[t]hey endured systematic rape and torture, witnessed unspeakable cruelty, and lost livelihoods and property."¹⁰¹ As a result, women in particular had deep and profound emotional and physical scars.

⁹⁴ See Jennie E. Burnet, *Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda*, 7 *POLIT. GEND.* 303–334 (2011), http://www.journals.cambridge.org/abstract_S1743923X11000250 (last visited Feb 12, 2018).

⁹⁵ Human Rights Watch, *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (1996), https://www.hrw.org/reports/1996/Rwanda.htm#P305_62170 (“Within Rwandan society, women have traditionally been regarded and treated as dependents of their male relatives. Throughout their lives, women are expected to be managed and protected by their fathers, their husbands and their male children.”)

⁹⁶ Lisa A. Doan, *Rwandan Women and the 1994 Genocide: The Effect on their Social and Political Roles* 4 (Nov. 15, 2010) (unpublished B.A. thesis, Georgetown University) (on file with Georgetown Libraries), https://repository.library.georgetown.edu/bitstream/handle/10822/558113/Doan_georgetown_0076M_10933.pdf;sequence=1 (noting that a Rwandan woman's role was defined by her male relatives, so she was “similar to a child in the eyes of society”); Lisa A. Doan, *Rwandan Women and the 1994 Genocide: The Effect on their Social and Political Roles* 10 (Nov. 15, 2010) (unpublished B.A. thesis, Georgetown University) (on file with Georgetown Libraries), https://repository.library.georgetown.edu/bitstream/handle/10822/558113/Doan_georgetown_0076M_10933.pdf;sequence=1 (“Married Rwandan women were treated as dependents, like children.”).

⁹⁷ Human Rights Watch, *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (1996), https://www.hrw.org/reports/1996/Rwanda.htm#P305_62170 (noting that under Article 213 of the 1988 Family Code, a woman was not allowed to engage in commercial activity or employment without permission from her husband).

⁹⁸ Human Rights Watch, *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (1996), https://www.hrw.org/reports/1996/Rwanda.htm#P305_62170 (“nor were [women] eligible for credit or loans. Women were often required to obtain their husband's authorization in order to qualify for credit.”);

⁹⁹ Doan *supra* note XX at 10 (“Married women had the legal right to vote but needed their husbands' permission to participate in business or any legal court actions. Women could have their own bank accounts but their husbands could withdraw money without their permission. Men could even deny their wives access to their own bank accounts.”).

¹⁰⁰ Human Rights Watch, *Shattered Lives: Sexual Violence During the Rwandan Genocide and its Aftermath* (1996), https://www.hrw.org/reports/1996/Rwanda.htm#P305_62170 (noting that under the Civil Code, a woman must obtain her husband's authorization for any legal matter in which she must appear).

¹⁰¹ Elizabeth Powley, *Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families* 3 (December 2006), [http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20\(2007\).pdf](http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20(2007).pdf).

After the genocide, however, with the death, escape, or incarceration of countless men, women made up roughly seventy percent of the Rwandan population.¹⁰² They were thus presented with a wide variety of challenges ranging from caring for the country's five hundred thousand orphans, addressing the wounds of trauma, rebuilding decimated communities, and supporting their families economically.¹⁰³ Therefore, women quickly took on the roles of heads of households and filled leadership positions at all levels of government.¹⁰⁴

According to the humanitarian Elizabeth Powley, "The genocide forced women to think of themselves differently and in many cases develop skills they would not otherwise have acquired."¹⁰⁵ It also forced them to transform the legal landscape within Rwanda. This arc of progress was helped, in part, by President Kagame.¹⁰⁶ While his and the Rwandan Patriotic Front's motives have been questioned, the Kagame-led government pushed for women's rights.¹⁰⁷ In 1999, Kagame argued:

It is imperative to our lawmakers, policy makers and implementers to have an objective and correct analysis of the gender question in order to design corrective policies and programs. The question of gender equality in our society needs a clear and critical evaluation in order to come up with concrete strategies to map the future development in which men and women are true partners and beneficiaries. My understanding of gender is that it is an issue of good governance, good economic management and respect of human rights.¹⁰⁸

The first major move toward gender equality came from the drafting of the new Rwandan constitution in 2003.¹⁰⁹ The constitution included a robust equal protection clause.¹¹⁰ And, more

¹⁰² Gregory Warner, *It's The No. 1 Country For Women In Politics — But Not In Daily Life* NPR.org, <https://www.npr.org/sections/goatsandsoda/2016/07/29/487360094/invisibilia-no-one-thought-this-all-womans-debate-team-could-crush-it> (last visited Feb 12, 2018).

¹⁰³ Elizabeth Powley, *Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families* 3 (December 2006), [http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20\(2007\).pdf](http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20(2007).pdf).

¹⁰⁴ Burnet, *supra* note XX at 311.

¹⁰⁵ Elizabeth Powley, *Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families* 3 (December 2006), [http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20\(2007\).pdf](http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20(2007).pdf).

¹⁰⁶ President Kagame's motivations are subject to much debate. See Ari Berman, *Dictator in Disguise*, HARVARD POLITICAL REVIEW (April 22, 2016), <http://harvardpolitics.com/world/your-friendly-neighborhood-dictator/>.

¹⁰⁷ Several scholars argue that the RPF's women-friendly policies are merely a political tactic to retain power and promote a positive image internationally. Jennie E. Burnet, *Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda*, 107 AFRICAN AFFAIRS 361 (2008); Filip Reyntjens, *Constructing the Truth, Dealing with Dissent, Domesticating the World: Governance in Post-Genocide Rwanda*, 110 AFRICAN AFFAIRS 1 (2010). See also Alexandra Topping, *Rwanda's Women Make Strides Towards Equality 20 Years After the Genocide*, THE GUARDIAN (Apr. 7, 2014), <https://www.theguardian.com/global-development/2014/apr/07/rwanda-women-empowered-impooverished> ("Behind closed doors, fearful critics of President Paul Kagame's regime claim the apparent empowerment of women is little more than a PR exercise.")

¹⁰⁸ JOHN MUTAMBA & JEANNE IZABILIZA, REPUBLIC OF RWANDA NATIONAL UNITY AND RECONCILIATION COMMISSION, *THE ROLE OF WOMEN IN RECONCILIATION AND PEACE BUILDING IN RWANDA: TEN YEARS AFTER GENOCIDE 1994-2004*, 9 (2005), <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan031033.pdf>.

¹⁰⁹ The Constitution of the Republic of Rwanda, May 26, 2003, <http://extwprlegs1.fao.org/docs/pdf/rwa128551.pdf>.

¹¹⁰ The Constitution of the Republic of Rwanda, May 26, 2003, preamble 10, <http://extwprlegs1.fao.org/docs/pdf/rwa128551.pdf> ("We, the People of Rwanda, . . . COMMITTED to ensuring equal

surprisingly, a controversial quota that required that women make up thirty percent of all public decision-making bodies.¹¹¹ Women have consistently exceeded these quota requirements.¹¹² For example, in 2013, sixty-four percent of Rwanda's Parliament was comprised of women—the highest percentage in the world.¹¹³

At the center of the women's political movement, the Forum of Women Parliamentarians, most commonly known by its French acronym FFRP. FFRP is a bipartisan coalition of female lawmakers. Their work is focused on "review[ing] existing laws and introduce[ing] amendments to change discriminatory statutes."¹¹⁴ They also help train women's group to advise them on relevant legal issues.¹¹⁵

The foundation supporting women's empowerment was also laid in part by Rwanda's Vision 2020 development program and its offspring, The National Gender Policy. Vision 2020 was launched in 2000 by President Kagame. Its main objectives involved transforming the country into a knowledge-based, middle-income country, thereby unifying the Rwandan people, reducing poverty, and improving health outcomes.¹¹⁶ The National Gender Policy was first adopted in 2004 and revised in 2010.¹¹⁷ Generally, it gives guidance to government to help it "integrate" gender issues into policies and programs, such as those related to economic empowerment, health, and access to basic needs.¹¹⁸ Its mission is to "contribute to the elimination of gender inequalities in all sectors of national life, in order to achieve the nation's goal for sustainable development."¹¹⁹

As a result of FFRP, the National Gender Policy, and women's activism, many laws improving women's access to economic opportunities and freedom from violence have been

rights between Rwandans and between women and men without prejudice to the principles of gender equality and complementarity in national development[.]").

¹¹¹ The Constitution of the Republic of Rwanda, May 26, 2003, art. 10 <http://extwprlegs1.fao.org/docs/pdf/rwa128551.pdf> ("The State of Rwanda commits itself to upholding the following fundamental principles and ensuring their respect: 4. building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs[.]").

¹¹² Elizabeth Powley, *Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families* (December 2006), [http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20\(2007\).pdf](http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20(2007).pdf).

¹¹³ United Nations Rwanda, *Women Secure 64 Percent of Seats in Rwandan Parliamentary Elections* (Oct. 6, 2013), <http://www.rw.one.un.org/press-center/news/women-secure-64-cent-seats-rwandan-parliamentary-elections>.

¹¹⁴ Elizabeth Powley, *Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families* 6 (December 2006), [http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20\(2007\).pdf](http://www.capwip.org/readingroom/TopotheShelf.Newsfeeds/2007/Rwanda-%20The%20Impact%20of%20Women%20Legislators%20on%20Policy%20Incomes%20(2007).pdf).

¹¹⁵ *Id.*

¹¹⁶ REPUBLIC OF RWANDA, MINISTRY OF FINANCE AND ECONOMIC PLANNING, RWANDA VISION 2020 (2000), <https://www.sida.se/globalassets/global/countries-and-regions/africa/rwanda/d402331a.pdf>. See Sam Rugege, *Women and Poverty in Rwanda The Respective Roles of Courts and Policy* (Oxford Human Rights Hub, Working Paper No. 1, 2015), <https://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/07/OxHRH-Working-Paper-Number-1-Rugege1.pdf> (internal cites omitted) ("Vision 2020 is a long-term development framework that highlights Rwanda's development goals between 2000 to 2020. As Rwanda's development road map, it promotes gender equality as a cross-cutting theme and a pillar of development. Under Section 5.1, Vision 2020 recognises that women have less access to opportunities than men and are poorly represented in decision making, despite women representing the majority of Rwanda's population and contributing more than men to agricultural production.").

¹¹⁷ Republic of Rwanda Ministry of Gender and Family Promotion, National Gender Policy (2010), available at <http://menengage.org/resources/rwanda-gender-policy/>.

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 18.

passed. As of 2017, Rwanda was ranked fourth in the world for the size of its gender gap¹²⁰ according to the World Economic Forum.¹²¹ Its outstanding rank was due in large part to the high female labor force participation (67%) and political representation.¹²²

Starting with one of the highest priorities, the fundamental need for safety has been partially addressed by increasing the punishments for rape and by making spousal abuse and other forms of gender-based violence illegal. Multiple governmental agencies have also been formed to advance the interests of women and prevent sexual violence.¹²³ Thus while women are still the victims of sexual assault particularly inside their intimate relationships, the rates of sexual violence have decreased in the country.¹²⁴

Beyond safety, economic opportunities have been improved for Rwandan women through changes in law. Women now have the right to inherit,¹²⁵ own land,¹²⁶ keep their property separate

¹²⁰ The term “gender gap” refers to “the difference between women and men as reflected in social, political, intellectual, cultural, or economic attainments or attitudes.” Briony Harris, *What is the gender gap (and why is it getting wider)?* (Nov. 1, 2017), <https://www.weforum.org/agenda/2017/11/the-gender-gap-actually-got-worse-in-2017/>.

¹²¹ World Economic Forum, *The Global Gender Gap Report 2017* (2017), http://www3.weforum.org/docs/WEF_GGGR_2017.pdf.

¹²² *Id.* at 284.

¹²³ Such as “Ministry for Gender and Family Promotion (MIGEPROF), the National Gender cluster, the National Women’s Council, and the establishment of Gender Desks within the Ministry of Defense and the National Police.” *Gender Analysis for USAID/Rwanda Valuing Open and Inclusive Civic Engagement* Project (January 2015), <https://www.usaid.gov/sites/default/files/documents/1860/GA%20-%20VOICE%20project%20-%20FINAL%20Jan%2021%202015%20-%20Public%20Version%20%281%29.pdf>.

¹²⁴ Jennie E. Burnet, *Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda*, 7 *POLITICS & GENDER* 303, 320 (2011); See NATIONAL INSTITUTE OF STATISTICS OF RWANDA, *RWANDA DEMOGRAPHIC AND HEALTH SURVEY 2014-15*, 275 (2016), <https://dhsprogram.com/pubs/pdf/FR316/FR316.pdf> (finding that 78% of women had not experienced sexual violence). There is some contrary evidence however that after the genocide, “the scarcity of men along with the deterioration of the quality of potential husbands caused by the genocide increased intimate partner violence in households that formed after the genocide.” Giulia La Mattina, *When all the Good Men are Gone: Sex Ratio and Domestic Violence in Post-Genocide Rwanda* 4 (January 2012), <https://www.bu.edu/econ/files/2012/11/dp223.pdf>.

¹²⁵ Matrimonial Regimes, Liberties and Successions Law (Law N° 22/99 of 1999) (Rwanda), http://www.migeprof.gov.rw/fileadmin/_migrated/content_uploads/MATRIMONIAL_REGIMES_LIBERALITIES_AND_SUCCESSIONS-2.pdf. See Lisa A. Doan, *Rwandan Women and the 1994 Genocide: The Effect on their Social and Political Roles* 83-84 (Nov. 15, 2010) (unpublished B.A. thesis, Georgetown University) (on file with Georgetown Libraries), https://repository.library.georgetown.edu/bitstream/handle/10822/558113/Doan_georgetown_0076M_10933.pdf;sequence=1 (“In 1999 the Law on Matrimonial Regimes, Liberalities, and Successions was approved. The Rwandan inheritance law, as it was more widely known, is considered to be one of the most important achievements in gender equality since the genocide. The law disallowed sex discrimination in land inheritance and division. The historical significance of this law was the establishment of girls and women as legal heirs to property.”).

¹²⁶ Organic Law Determining the Use and Management of Land in Rwanda (Law N° 8/2005 of 2005) (Rwanda), http://urbanlex.unhabitat.org/sites/default/files/organic_law_determining_the_use_and_management_of_land_in_rwanda.pdf. Amended by Governing Land in Rwanda (Law N° 43/2013 of 2013), http://www.rema.gov.rw/fileadmin/templates/Documents/rema_doc/Laws%20and%20Regulations_Updated/Laws/Law%20Governing%20Land%20in%20Rwanda.pdf. See International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda*, 5 (October 2008) (“Research shows that Rwanda fares better than its neighboring East African states in the number of women that own land and property in their own names.”).

from their spouses,¹²⁷ own a bank account,¹²⁸ and participate in lawsuits.¹²⁹ They also have protection from gender-based employment discrimination.¹³⁰ With increased property rights, women can use collateral to meet financing requirements and finance is more accessible through various governmental programs.¹³¹

The changing legal environment and other concerted efforts among governmental agencies and women-led civil society organizations have greatly increased the entrepreneurial activities of women.¹³² Women now head almost fifty percent of enterprises nationwide and fifty-eight percent in the informal sector.¹³³ They also contribute to a large portion of the Rwandan GDP, which has been growing at a steady rate since the genocide.¹³⁴

However, “the transformative potential of policies on gender equality [is still] limited by the deep-rooted social norms, gender roles, and cultural perceptions and practices within which gender inequalities are embedded.”¹³⁵ And many reports note that there is often a gap between the rights granted by the law and the implementation of those laws.¹³⁶ Much work is still needed to be done among community service and governmental organizations to increase awareness of the new laws.¹³⁷

F. Finding Voice: Female Representation

Women have seized opportunities to lead and represent themselves at both the national and local levels of government.¹³⁸ As a result, they have been *less* reticent to speak in public, assert

¹²⁷ *Id.*

¹²⁸ Charles Ntampaka, *Family Law in Rwanda*, 9 in THE INTERNATIONAL SURVEY OF FAMILY LAW 1995, 415-33 (A. Bainham ed., 1997).

¹²⁹ *Id.*

¹³⁰ Labour Code (Law N° 51/2001 of 2001) art. 12, http://www.ilo.org/dyn/travail/docs/530/rwanda_labour_law.pdf (“Every discrimination, exclusion or preference notably based on race or ethnicity, colour, sex, religion, political opinion, which would result in destroying or impairing chances’ equality as far as employment or profession is concerned or in not being considered in the same way by tribunals is prohibited.”).

¹³¹ “Mechanisms enabling women at the grassroots level to have access to credit and savings have been initiated. Examples include Communal credit funds for women at the grassroots level; the guarantee funds deposited in Central Bank of Rwanda to provide credit to medium-scale women entrepreneurs; the setting up of a bank for women with the support of the Banques Populaires; the putting in place of a Savings and Credit Cooperative Society due to women’s initiative.” East African Community Secretariat, *Gender and Community Development Analysis in Rwanda* 14 (January 2009), http://cleancookstoves.org/resources_files/gender-and-community.pdf. See also Republic of Rwanda Gender Monitoring Office, *Gender and Access to Finance* (March 2017), http://gmo.gov.rw/fileadmin/user_upload/Gender_and_Access_to_Finance_Booklet_GMO_March_2017.pdf (detailing marked improvements between 2012 and 2017 for women’s access to finance).

¹³² See International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda* (October 2008).

¹³³ *Id.* at 9 (“The majority are engaged in the retail sector (82 percent), with the rest focusing on services (16 to 17 percent) and manufacturing (1 to 2 percent) sectors.”).

¹³⁴ National Institute of Statistics of Rwanda, *Employment Rate, Higher For Women Than Men* (Dec. 15, 2012), <http://www.statistics.gov.rw/publication/employment-rate-higher-women-men-rwanda> (stating that women have a higher employment rate (85.2%) than men (83.2%)).

¹³⁵ International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda* 6 (October 2008).

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ Inclusive Security, *Two Decades After the Genocide How Women Rebuilt Rwanda*, <https://www.inclusivesecurity.org/how-women-rebuilt-rwanda/> (last visited February 25, 2018); Jennie E. Burnet,

their rights, and pursue traditionally male-dominated roles.¹³⁹ As an ethnographic study by Professor Jennie Burnet shows, gender quotas embedded into the Rwandan constitution have “increased respect from family and community members, enhanced capacity to speak and be heard in public forums, greater autonomy in decision making in the family, and increased access to education.”¹⁴⁰

Female representation and voice spills beyond politics and into the judiciary. Half of the country’s highest court is comprised of women.¹⁴¹ Women are also represented in all gacaca courts, which is a marked improvement from the pre-genocide situation where women were not allowed to serve as judges, or participate at all in many cases.¹⁴² In fact, gacaca courts which are led by women have been proven more effective.¹⁴³

There is a great deal of evidence to suggest female representation in government supports sustainable peace.¹⁴⁴ Sustainable peace involves more than a lack of violence; it encompasses notions of human rights, equality, and justice.¹⁴⁵ A study by Professors Mary Caprioli and Mark Boyer, for example, showed that for every five percent increase in women’s representation in parliament, a state is five times less likely to use violence to resolve conflict.¹⁴⁶

Burnet, however, reports that upper and middle-income women are the chief beneficiaries of increased representation.¹⁴⁷ Rural women still remain at a distinct disadvantage. In addition, women on the whole in Rwanda have less equal representation in management positions (roughly 17 percent) and continue to earn less than their male counterparts.¹⁴⁸ However, it is indisputable that “with the disruption in gender relations, some women found the freedom to pursue careers or commercial activities.”¹⁴⁹

Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda, 7 POLITICS & GENDER 303, 303 (2011).

¹³⁹ This is true even in rural communities. As stated by Burnet, “[t]he large number of women in local government, coupled with the clear endorsement of women as political authorities by President Kagame, the RPF, and the central government, sent a clear message to rural citizens that women must be accepted as legitimate political agents or local government authorities.” Jennie E. Burnet, *Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda*, 7 POLITICS & GENDER 303, 318 (2011).

¹⁴⁰ Jennie E. Burnet, *Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda*, 7 POLITICS & GENDER 303, 303 (2011).

¹⁴¹ Swanee Hunt, *The Rise of Rwanda’s Women*, FOREIGN AFFAIRS (June 2014), <https://www.foreignaffairs.com/articles/rwanda/2014-03-30/rise-rwandas-women>.

¹⁴² JOHN MUTAMBA & JEANNE IZABILIZA, REPUBLIC OF RWANDA NATIONAL UNITY AND RECONCILIATION COMMISSION, *THE ROLE OF WOMEN IN RECONCILIATION AND PEACE BUILDING IN RWANDA: TEN YEARS AFTER GENOCIDE 1994-2004*, 32 (2005), <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan031033.pdf>. On gacaca courts, women represent 35% of the judges. East African Community Secretariat, *Gender and Community Development Analysis in Rwanda* 32 (January 2009), http://cleancookstoves.org/resources_files/gender-and-community.pdf.

¹⁴³ *Id.*

¹⁴⁴ Marie O’Reilly, *Why Women? Inclusive Security and Peaceful Societies* 4 (October 2015), <https://www.inclusivesecurity.org/wp-content/uploads/2017/06/Why-Women-Report-2017.pdf>.

¹⁴⁵ CONNIE PECK, *SUSTAINABLE PEACE: THE ROLE OF THE UN AND REGIONAL ORGANIZATIONS IN PREVENTING CONFLICT* (1998)

¹⁴⁶ Mary Caprioli and Mark Boyer, *Gender, Violence, and International Crisis*, 45 J. Conflict Res. 503, 514 (2001).

¹⁴⁷ Jennie E. Burnet, *Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda*, 7 POLITICS & GENDER 303, 305 (2011).

¹⁴⁸ International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda* 6 (October 2008).

¹⁴⁹ Jennie E. Burnet, *Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda*, 7 POLITICS & GENDER 303, 312 (2011).

G. Aligning for Peace: The Role of Entrepreneurship

Without question, the factors contributing to lasting peace are complex, particularly in a country that has endured what Rwanda has. As demonstrated above, female representation in government can facilitate sustainable peace.¹⁵⁰ There also is a rich literature on how commerce can also support it.¹⁵¹ Professors Tim Fort and Cynthia Schipani have isolated several of the elements of commerce that promote peace, including economic development, two-track diplomacy, supporting the rule of law, and encouraging community development.¹⁵² In the subsections below, we tie these elements back to the impact of female entrepreneurs on peace in Rwanda.¹⁵³

1. Economic Development

Poverty is often at the heart of conflict.¹⁵⁴ Economic development, therefore, is essential for sustainable peace.¹⁵⁵ In Rwanda and around the world, female entrepreneurs¹⁵⁶ are often at the forefront of helping reduce poverty.¹⁵⁷ They act as change-makers within their families, and they reinvest their earnings in their families' health, education, and nutrition at a rate much higher than men (90% versus 30-40%).¹⁵⁸ Women also “inspire others to become self-reliant and take up

¹⁵⁰ *Supra* notes XX-XX and accompanying text.

¹⁵¹ TIMOTHY L. FORT, BUSINESS, INTEGRITY, AND PEACE: BEYOND GEOPOLITICAL AND DISCIPLINARY BOUNDARIES (2007); Katharina Felgenhauer, *Peace Economics: Private Sector Business Involvement in Conflict Prevention*, 2 38–48 (2007).

¹⁵² TIMOTHY L. FORT & CYNTHIA A. SCHIPANI, THE ROLE OF BUSINESS IN FOSTERING PEACEFUL SOCIETIES 109 (2004).

¹⁵³ *Id.*

¹⁵⁴ Anthony Oberschall, *Conflict & Peace Building in Divided Societies*. Responses to Ethnic Violence (2007); POST-CONFLICT UNIT OF THE WORLD BANK, SECURITY, POVERTY REDUCTION & SUSTAINABLE DEVELOPMENT: CHALLENGES FOR THE NEW MILLENNIUM (Sept. 1999) (detailing the links between economic underdevelopment and violence).

¹⁵⁵ Timothy L. Fort & Cindy A. Schipani, *The Role of the Corporation in Fostering Sustainable Peace*, 390 VAND. J. OF TRANSNAT'L L. 389, 409 (2002).

¹⁵⁶ When we speak of “entrepreneurs” in this Article, we are referring to individuals who “create jobs and increase income among individuals as well as raising the standards of living among citizens.” Kimani, E.N., & Kombo, D. K. (2010). *Gender and poverty reduction: A Kenyan context*. Educational Research & Reviews 24, 2 . Retrieved September 24, 2011 from <http://www.academicjournals.org/ERR2> ISSN 1990- 3839.

¹⁵⁷ International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda*, 5 (October 2008); Sedina B. Misango & Orpha K. Ongiti, *Do Women Entrepreneurs Play a Role in Reducing poverty? A Case in Kenya*, 2 INT'L REV. OF MGM'T AND BUS. RESEARCH 87 (2013); Mutambuka Deo, Frank Kalisa & Habimana Theogene, *The Contribution of Women Entrepreneurship in Family Socio-Economic Development in Rural Areas, Rwanda*, 7 Int'l J. of Innov., Mgm't & Tech. 256 (2016) (finding that there is a “positive and strong relationship between women entrepreneurship and family socio-economic development.”).

¹⁵⁸ Jackie VanderBrug, *The Global Rise of Female Entrepreneurship and Innovation*, HARVARD B. REV. (Sept. 4, 2013)

entrepreneurship.”¹⁵⁹ And they contribute to the tax base, which in turn helps support the infrastructure essential for economic development.¹⁶⁰

2. Two-Track Diplomacy

Business also opens the way for two-track diplomacy, which is the “unofficial interaction among non-state actors with the goal of creating an environment in which political leaders are freer to reach accord.”¹⁶¹ With two-track diplomacy, women entrepreneurs can act as ambassadors for their country and communities, thereby improving reputation and connecting with the global and national economy. Women entrepreneurs are given the opportunity to represent Rwanda to the world as business leaders. This is very important to Rwanda in particular, given that the country is often referenced in relation to the horrific acts of 1994. Thus, it is critical that women entrepreneurs assist in the re-branding and rebirth of Rwanda post-genocide.

3. Supporting the rule of law.

Commerce also supports the rule of law.¹⁶² Businesses consistently use legal regimes to enforce contracts and protect property rights. This reliance, reinforces the legal system, which in turn helps resolve conflicts without resorting to self-help and violence.¹⁶³ In Rwanda in particular, the increased representation of women on Abunzi courts, which deal with sector level disputes, helps promote the rule of law as women become more confident that their rights will be protected through the legal system.¹⁶⁴ In addition, as referenced above, women play a critical role in gacaca and more formalized courts.

4. Building community

Lastly, commerce helps build community.¹⁶⁵ Commerce helps identify shared interests and promote the more equitable distribution of scarce resources.¹⁶⁶ As the International Peace

¹⁵⁹ Hina Shah & Punit Saurabh, *Women Entrepreneurs in Developing Nations: Growth and Replication Strategies and Their Impact on Poverty Alleviation*, 5 TECH. INNOVATION MGM'T REV. 34, 34 (2015)

¹⁶⁰ FORT & SCHIPANI, *supra* note XX at 123. It should be mentioned, however, that high tax rates in Rwanda are often cited as a challenge to female entrepreneurs. See Simon Nsengimana, Robertson K. Tengeh & Chux Gervase Iwu, *The Sustainability of Businesses in Kigali, Rwanda: An Analysis of the Barriers Faced by Women Entrepreneurs*, 9 SUSTAINABILITY 1372 (2017).

¹⁶¹ *Id.* at 30.

¹⁶² FORT & SCHIPANI, *supra* note XX at 125-127.

¹⁶³ See JANE JACOBS, *SYSTEMS OF SURVIVAL: A DIALOGUE ON THE MORAL FOUNDATIONS OF COMMERCE AND POLITICS* (1992).

¹⁶⁴ Pamela Abbott & Dixon Malunda, *The Promise and the Reality: women's Rights in Rwanda* 33 (January 2015), <http://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2014/04/OxHRH-Working-Paper-Series-No-5-Abott-and-Malunda.pdf>. Though the Abunzi are not without their criticisms. Some argue that they are not properly equipped to handle the complexities of the legal system. *Id.* at 34

¹⁶⁵ FORT & SCHIPANI, *supra* note XX at 127-129.

¹⁶⁶ International Peace Institute, *ENTREPRENEURSHIP FOR SUSTAINING PEACE 1* (2017), https://www.ipinst.org/wp-content/uploads/2017/06/1706_Entrepreneurship-for-Sustaining-Peace4print.pdf; P. Vernon, *BREAD AND PEACE: LINKING ECONOMIC DEVELOPMENT WITH PEACEBUILDING ECDPM*, <http://ecdpm.org/great-insights/prosperity-for-peace/bread-peace-linking-economic-development-peacebuilding/> (last visited Feb 13, 2018). Peace involves more than lack of violence. True peace is sustainable and encompasses notions of human rights, equality, and justice. Peck,

Institute writes: “entrepreneurs, keen to protect their businesses from the instability brought on by violence, can be convincing peace brokers.”¹⁶⁷ A study by Professor Tobias et al. also demonstrates how in the Rwandan coffee sector, entrepreneurial activities improve understanding among people from different backgrounds.¹⁶⁸

Tobias et al. argued that the coffee sector provided “new opportunities for people to cooperate across group boundaries in pursuant of a common and purely economic goal that [was] not linked in any significant way to Rwanda’s conflict-laden past.”¹⁶⁹ Furthermore, as trust among members of a community rises, wages increase.¹⁷⁰ And this is a virtuous cycle because social trust further contributes to economic development.¹⁷¹

IV. LESSONS FROM RWANDAN JUDICIAL AND ECONOMIC ENTREPRENEURSHIP

The driving theme of this Article is that the judicial entrepreneurship evidenced by gacaca instilled a pervasive entrepreneurship mindset. The goals of collective decision-making and the focus on local community-building bled into business decisions and formation. Thus, the corporate governance of many Rwandan businesses is able to draw on the model of gacaca. This is most evident in the fact that so many businesses operate as cooperatives. Decisions are often made collectively, reflecting an inspiring approach to promote common understanding among groups with historical differences.

In this Section, we bring together the ways both Rwandan society and female entrepreneurs collectively deal with conflict and highlight some of the key attributes of the Rwandan paradigm of cooperatives as an enduring business form.

A. Inclusion

C.: 1998, *Sustainable Peace: The Role of the UN and Regional Organizations in Preventing Conflict* (Rowman & Littlefield, New York)

¹⁶⁷ International Peace Institute *supra* note XX at 2. The United Nations 2030 Agenda for Sustainable Development is also designed to “strengthen universal peace” and one of its key goals is to “promote sustained, inclusive and sustainable economic growth, full, and productive employment and decent work for all.” United Nations (October 21, 2015), http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.

¹⁶⁸ *Toward a Theory of Transformative Entrepreneurship: Poverty Reduction and Conflict Resolution in Rwanda’s Entrepreneurial Coffee Sector*, 28 J. BUS. VENTURING 728 (2013). Another example would be the Cows for Peace program initiated in the Byumba province. This program supported community-led dairy operations. As reported by Mutamba and Izabiliza, “[c]ows are now used as instruments to promote peace and reconciliation among communities that were affected by the genocide.” “Since every community member is a potential beneficiary direct or indirect, every body feels responsible for the security of the cow. Neighbours meet in the evening to talk and keep company in the home where the cow is kept (Gutaramira inka).” JOHN MUTAMBA & JEANNE IZABILIZA, REPUBLIC OF RWANDA NATIONAL UNITY AND RECONCILIATION COMMISSION, *THE ROLE OF WOMEN IN RECONCILIATION AND PEACE BUILDING IN RWANDA: TEN YEARS AFTER GENOCIDE 1994-2004*, 27-28 (2005), <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan031033.pdf>.

¹⁶⁹ Jutta Tobias et. al., *supra* note XX. The authors also satisfy that these conditions satisfied Gordon Allport’s theory of intragroup contact, which enables people to reduce pre-conceived judgments and lower negative perceptions of out-groups. *Id.* (citing GORDON W. ALLPORT, *THE NATURE OF PREJUDICE* (1954)).

¹⁷⁰ Jutta Tobias et. al., *supra* note XX.

¹⁷¹ *Id.*; Christian Bjørnskov, *How Does Social Trust Affect Economic Growth?* 78 S. ECON. J. 1346 (2012).

In Rwanda, women comprise fifty to sixty percent of cooperative members.¹⁷² Because cooperatives are largely decentralized, they open the way for the inclusion of multiple perspectives and voices. “As of 2004, there were about 300 cooperatives in Rwanda, which receive support from government, including business ideas, premises, training, and advice on issues such as securing financing.”¹⁷³ Cooperatives, by definition, are a form of business organization that represents true democratic ideals, and allow for broad participation and representation among members. In this way, the cooperative is a business form that embodies many of the same values as that of gacaca, and that may seem very familiar to the women of Rwanda.

B. Deliberation

Similarly, cooperatives share a commonality with gacaca in terms of process. Meaning, governance of cooperatives and gacaca allows for transparency in deliberation of decision. Collective decision-making reflects the ideals of deliberative democracy, in particular the ideals of reason giving and accessibility.¹⁷⁴ Effective reason giving involves appealing “to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject.”¹⁷⁵ Deliberating key decisions in an organization should start from a place of mutual respect, to achieve this; participants must be given an opportunity to understand both the issues and contents of arguments.¹⁷⁶

C. Accountability

Finally, another similar characteristic of both cooperatives and of gacaca is the importance of individual accountability. For example, those held accountable in gacaca proceedings are often asked to perform community service as their sentence, to underscore the importance of giving back to the community and participating again in community life.¹⁷⁷ “The unifying experience of truth-telling and holding perpetrators to account through an interactive sociolegal process of justice helped to compel cohabitation and non-violent coexistence.”¹⁷⁸ Likewise, the decisions-making process in cooperatives, particularly related to expulsion of members or sanctions for malfeasance, track the principles of gacaca in this way. These values are critical to establishing an effective cooperative, a respected local judicial system, and a peaceful society as a whole.

CONCLUSION

Ambassador Swanee Hunt made the following observation that succinctly summarizes the national sentiment after the genocide:

¹⁷² International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda* 10 (October 2008).

¹⁷³ *Id.*

¹⁷⁴ AMY GUTMANN AND DENNIS F. THOMPSON, *WHY DELIBERATIVE DEMOCRACY*, 3-7 (2014).

¹⁷⁵ *Id.*

¹⁷⁶ Thomas Christiano, *The Significance of Public Deliberation* 253, in *DELIBERATIVE DEMOCRACY* (James Bohman & William Rehg eds., 1997).

¹⁷⁷ See Section II.B., *infra*, and accompanying notes.

¹⁷⁸ Janet McKnight, *The Anatomy of Mass Accountability: Confronting Ideology and Legitimacy in Rwanda's Gacaca Courts*, 1 *CONFLICT TRENDS* 35, 41 (2014).

“When society requires to be rebuilt, there is no use in attempting to rebuild it on the old plan,” John Stuart Mill once wrote. After its time of horror, Rwandan society did indeed require to be rebuilt, and the country’s new leaders seized the opportunity to scrap the old plan and follow a new one. Over the succeeding generation, they have not only begun to weave together the rent national fabric but also designed a new pattern for it, one in which women can fill the highest roles in all spheres of life.¹⁷⁹

Indeed, without the “significant involvement of women,” Rwanda “would not have been able to overcome the horrors of its past.”¹⁸⁰ However, women in Rwanda still have a long way to go. They are still the primary caretakers of the country’s children, disabled, and the imprisoned. They also continue to work longer and harder than men due to the disproportionate burdens in the household the two genders share.¹⁸¹ Yet the values instilled in Rwandans as a whole, and women in particular, make clear that the elements for a lasting peace are there. The values of gacaca, of cooperative businesses and democratic ideals set the stage for a robust community and society. The women of Rwanda provide a roadmap for the rest of the world to practice entrepreneurship as a way of achieving peace.

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¹⁷⁹ Swanee Hunt, *The Rise of Rwanda’s Women*, FOREIGN AFFAIRS (June 2014), <https://www.foreignaffairs.com/articles/rwanda/2014-03-30/rise-rwandas-women>.

¹⁸⁰ Jodi Enda, Women Take Lead in Reconstruction of Rwanda, Global Policy Forum, Nov. 16, 2003, <https://www.globalpolicy.org/component/content/article/218/46409.html>.

¹⁸¹ International Finance Corporation, *Voices of Women Entrepreneurs in Rwanda* 9 (October 2008) (stating “Men, on average, do 12.8 hours of productive work and 11.6 hours of household work (also known as “reproductive work”), for a total of 24.5 hours a week. Women, by contrast, do an average of 14.9 hours of productive work and 29.6 hours of reproductive work per week, for a total of 44.4 hours a week. The “double workday” of women reflects a continued imbalance in the burdens of unpaid care work carried out by women, coupled with the fact that women predominate in the agricultural and informal sectors.”)